

V.I.P. SPORTS MARKETING, INC., an
Illinois corporation

JOHN NUSSBAUMER, a New York citizen

Petitioners(s)
- against - Plaintiff(s),
Respondent(s)
Defendant(s).

**AFFIDAVIT
PROOF OF SERVICE
ON A NATURAL PERSON
ON A CORPORATION**

Index No. 08 C 1307
File No. _____
Docket No. _____

**STATE OF NEW YORK
COUNTY OF ERIE**
MARY BETH BAUCH

ss.:

, being duly sworn deposes and says: that deponent is not a party to the action and of
the age of 18 years or older; and that deponent served the annexed Summons AND COMPLAINT

on the Defendant(s), named herein, JOHN NUSSBAUMER

Complete one of the following BLOCKS, and the DESCRIPTION BELOW:

Personal Service

(1)

☒ by personally delivering to and leaving a true copy thereof with the above defendant on the 10 day of MARCH, 20 08,
at 7:15 AM (PM), at 1104 UNDERHILL ROAD, EAST AURORA, NEW YORK 14052,
(address or place of service)
and that he (she) knew the person so served to be the person described as the said defendant therein.

Suitable Age

(2)

☐ A. by personally delivering to and leaving a true copy thereof with _____
(name of person served)
a person of suitable age and discretion, on the _____ day of _____, 20 _____, at _____ AM (PM), at _____
(address or place of service) the dwelling place-usual place of abode-place of business within the State of New York

Substituted Service

(3)

OR ☐ B. by affixing a true copy thereof to the defendant's door at _____
(address or place of service) the dwelling place-usual
place of abode-place of business within the State of New York on _____ day of _____, 20 _____, at _____ AM (PM),
AND by mailing a true copy of the same to the defendant(s) at _____
(address mailed to, Street, No., City and State)
his (her) (their) last known residence or business address.
Deponent previously attempted to serve the defendant(s) with due diligence pursuant to CPLR Sec. 308(4) on: (1) _____ day of _____
_____, 20 _____, at _____ AM (PM); (2) _____ day of _____, 20 _____, at _____ AM (PM);
(3) _____ day of _____, 20 _____, at _____ AM (PM).

Corporation

(4)

☐ by personally delivering to and leaving a true copy thereof with _____
(name of person served)
at _____ on _____ day of _____, 20 _____, at _____ AM (PM);
(address or place of service)
deponent knew said corporation so served to be the corporation described in this action as the defendant therein, and that the said individual
was the _____ thereof.
(title of individual served)

The description of the person served pursuant to (1), (2) or (4) above is: Sex MALE; Skin color WHITE; Hair color BLONDE
Approx. age 31; Approx. weight 205; Approx. height 6'2"; Other identifying features _____

To my best knowledge, information and belief the said defendant at the time of service was not engaged in military service of the United States.

Sworn to before me, this 12TH day
of MARCH, 20 08
Monique J. Geising
Notary Public, Erie County, N.Y.;
Commission Expires Feb 06, 2010

Monique J. Geising
Notary Public, State of New York
Reg. #01GE6140695
Qualified in Erie County
My Commission Expires Feb 06, 2010

Mary Beth Bauch
Esquire Process Service, Inc.
43 Brinker Road
Lackawanna, New York 14218
Office: (716) 824-5468
Fax: (716) 824-5473

AO 440 (Rev. 05/00) Summons in a Civil Action

RETURN OF SERVICE		
Service of the Summons and complaint was made by me ⁽¹⁾	DATE MARCH 10, 2008	
NAME OF SERVER (PRINT) MARY BETH BAUCH	TITLE PROCESS SERVER	
<i>Check one box below to indicate appropriate method of service</i>		
<p><input checked="" type="checkbox"/> Served personally upon the defendant. Place where served: <u>1104 UNDERHILL ROAD, EAST</u> <u>AURORA, NEW YORK 14052</u></p> <p><input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left: _____</p> <p><input type="checkbox"/> Returned unexecuted: _____</p> <p><input type="checkbox"/> Other (specify): _____</p>		
STATEMENT OF SERVICE FEES		
TRAVEL	SERVICES	TOTAL
DECLARATION OF SERVER		
<p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p> <p>Executed on <u>MARCH 12, 2008</u> Date</p> <p style="text-align: center;"><u>Mary Beth Bauch</u> Signature of Server</p> <p style="text-align: center;"><u>43 BRINKER ROAD, LACKAWANNA, NY 14218</u> Address of Server</p>		

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.